IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REVISION No.666 of 2008
BIKRAMA SAHNI & ANR
Versus
STATE OF BIHAR
---

2. 11.07.2008. Heard learned counsel for the petitioners and the State.

2. Petitioners have been convicted for the offences under Sections 379 and 323 of the Penal Code and have been directed to undergo rigorous imprisonment for three years and six months under the two counts under judgment dated 5.4.2006, passed by Shri D.K.Mishra, Judicial Magistrate, Bettiah, West Champaran in Trial No. 1952 of 2006, arising out of Complaint Case No. 440-C of 1996. The sentences, however, have been directed to run concurrently and has also been affirmed in appeal under judgment dated 3.4.2008 passed by the Additional Sessions Judge, Fast Track Court-III, West Champaran, Bettiah in Cr. Appeal No. 57 of 2006.

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3. It is submitted on behalf of the petitioners that there is a bona fide land dispute between the prosecution party and the petitioners and on account of such dispute this false case of forcible harvesting of the sugarcane crop is lodged against them by the complainant which has been found true by the courts below without meticulous examination of the evidence led on behalf of the parties.

4. As the two courts below have found the prosecution case to be true with reference to the evidence led by the parties, I am not inclined to go into the merits of the matter, however, considering the fact that petitioners are found to have been indulged in forcible harvesting of the sugarcane crop, I am of the view that interest of

justice will be subserved if while maintaining their conviction, sentences under the two counts are reduced from three years and six months to one and a half year and six months. The reduced sentences shall also run concurrently.

5. With the aforesaid modification in the sentence awarded to the petitioners, this Cr. Revision application is dismissed.

(V.N.Sinha,J.)

P.K.P.

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